

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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LESLIE MAIZE,

Plaintiff,

-against-

SHERIFF EDWARD REILLY, et al.,

Defendants.

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LINDSAY, Magistrate Judge:

Before the court is the plaintiff's motion to reopen discovery for 120 days and the defendants' opposition to that motion. On August 26, 2005, the plaintiff commenced this action in the Southern District of New York, alleging that his civil rights had been violated when the prison medical staff failed to give him his glaucoma drops causing him to suffer permanent sight loss. Shortly after the case had been transferred to this district, Judge Seybert granted the plaintiff's application for the appointment of counsel, but the pro se office was unable to find counsel willing to represent the plaintiff. By order dated July 17, 2007, Judge Seybert informed Mr. Maize that counsel would not be appointed and that he could proceed pro se, which he did.

From July 17, 2007 to September 1, 2009, the plaintiff did engage in discovery, serving several discovery requests and making several motions. However, Mr. Maize was unable to take depositions or to obtain certain records that his current counsel feel are necessary to the prosecution of his case. Although the defendants may be required to incur additional expense if their "trial strategy" is altered as a result of the production of additional discovery, the parties did not anticipate trying the case before late 2010 or early 2011, the plaintiff's new counsel have been diligent, and additional discovery is likely to lead to the production of relevant evidence given the fact that no depositions were previously conducted. Accordingly, the plaintiff's motion is granted, as follows.

Given the age of this case, the court will reopen discovery for a final 90 days. All discovery, inclusive of expert discovery, must be completed by September 20, 2010. Any party planning on making a dispositive motion shall take the first step in the motion process by October 12, 2010. A final conference will be held on October 25, 2010 at 11:00. The parties shall electronically file an amended joint pretrial order with the court prior to the final conference. This amended schedule will not be extended and therefore will enable the defendants to have the case marked trial ready, as was anticipated, in late 2010.

Dated: Central Islip, New York
June 22, 2010

SO ORDERED:

/s/

ARLENE R. LINDSAY
United States Magistrate Judge